

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 4758 of 2000

Between:

M/s. Sri Balaji Composite Cans (Pvt) Ltd.

Boduppal, Rangareddy District.

rep. by Sri K. Tirumal Rao, Managing Director

..... Petitioner

AND

The Superintending Engineer A.P.S.E.B., Assessments,
Humayun Nagar, Hyderabad-500 028.

.....Respondent

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, or order or direction declaring the proceedings Lr.No. SEA/HYD/FRR524/D.No. 1462/98, dt.27.1.98 on the file of the Respondent as illegal arbitrary and without jurisdiction and pass

Counsel for the Petitioner:MR.K.Raji Reddy, Advocate

Counsel for the Respondent:Mr.Kanakamedala Ravindra

Kumar, SC for APSEB

The Court made the following Order:

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO.4758 OF 2000

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ORDER:

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This Writ Petition is filed questioning the Proceedings No. LR.No. SEA/HYD/F/RR524/D.No. 1462/98, dt. 27-1-1998 issued by the respondent, in demanding provisional assessment amount of Rs.2,48,571/- on account of pilferage of energy, with regard to service connection No. 246, in Category No. III provided to the petitioner-Industry. The said demand is questioned on various grounds.

Initially by order dated 19-7-2000, this Court has granted interim orders directing the respondent to restore the power supply, which was disconnected for non payment of provisional assessment amount, on condition of depositing Rs. 65,000/-.

Though Writ Petition is of the year 2000, no counter affidavit is filed on behalf of the respondent.

Inasmuch as the impugned order is a show cause notice, various contentions raised in the Writ Petition need not be adjudicated by this Court. If any objections are there, it is open for the petitioner to raise before the respondent-assessing authority. Having regard to the fact that the petitioner has already deposited Rs.65,000/- pursuant to the interim order of this Court, I dispose of the Writ Petition directing the respondent to continue the power supply to the petitioner-Industry, pending finalization of the assessment proceedings. It is open for the respondents to pass appropriate final orders, if not already passed by this time. The amount of Rs.65,000/- deposited by the petitioner pursuant to the interim order of this Court, will be subject to final orders, to be passed in final assessment proceedings.

Subject to the above direction, the Writ Petition is disposed of. No costs.

JUSTICE R. SUBHASH REDDY

DATED: 21st June, 2004.

Msnr.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintending Engineer, APSEB, Assessments, Humayun Nagar,
Hyderabad.

2) 2 CD copies

*Form-NIC-OGS/WP{**NR**}*